

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 13

Patrick Fagan, Christine Fagan,

Debtors

Case No 08-22991 (RDD)

-----X

Patrick Fagan, Christine Fagan,

Plaintiffs,

v.

Adversary Pro. No. 09-08292

CJP Abstract, LLC, Commonwealth Land  
Title Insurance, HomeQ Servicing Corp.,  
Wachovia Bank, Argent Mortgage Company,  
AMC Mortgage Services Inc.,  
Wells Fargo Bank, N.A., John Doe,  
Jane Doe, XYZ Corp.

Defendants,

-----X

**ORDER REOPENING ADVERSARY PROCEEDING**

Upon the motion, dated June 21, 2011 (the “Motion”) of the above debtors and plaintiffs for an order re-opening this adversary proceeding on the basis that the proceeding was inadvertently closed with respect to defendants Barclays Capital Real Estate DBA HomeQ Servicing Corp. and Wells Fargo N.A. as Trustee under Pooling and Servicing Agreement dated August 1, 2005 Asset-Backed Pass-TH; and there being due and sufficient notice of the Motion; and upon the record of the August 3, 2011 hearing on the Motion held by the Court; and there being no opposition to the requested relief; and good and sufficient cause appearing, it is hereby

ORDERED that the Motion is granted and this adversary proceeding is re-opened

against defendants Barclays Capital Real Estate DBA HomeQ Servicing Corp. and Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement dated as of August 1, 2005 Asset-Backed Pass-TH.; and it is further

**ORDERED** that the caption of this adversary proceeding is amended to read as follows:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Patrick Fagan and Christine Fagan,  
Debtors.

Chapter 13  
Case No.08-22991 (RDD)

-----X

Patrick Fagan and Christine Fagan,  
Plaintiffs

Adv. Pro. No. 09-08292

v.

Barclays Capital Real Estate  
DBA HomeQ Servicing Corp.,  
Wells Fargo Bank, N.A. as Trustee, John Doe,  
Jane Doe, XYZ Corp.,  
Defendants

-----X

and it is further

**ORDERED** that the Court will hold a pre-trial conference on **October 26, 2011**  
**at 10:00 a.m.**

**ORDERED** that, on or before September 14, 2011, counsel for the Debtors will serve a copy of this Order on the remaining defendants and file a certificate of service on the docket.

Dated: White Plains, New York  
September 7, 2011

/s/Robert D. Drain  
HON. ROBERT D. DRAIN  
U.S. Bankruptcy Judge